

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Alps Industries Limited,
Plot No. 1A, Sector – 10,
Integrated Industrial Estate,
SIDCUL, Haridwar,
Uttarakhand

Vs

Executive Engineer,
Electricity Distribution Division (Rural),
Uttarakhand Power Corporation Ltd.
SIDCUL, Haridwar, Uttarakhand

Representation No. 24/2017

Order

The petitioner, M/s Alps Industries Ltd. has filed this petition against the order of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as CGRF, Garhwal) order dated 19.12.2016 in complaint no. 129/2016 and Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as CGRF, Haridwar) and a subsequent order dated 19.12.2016 (the correct date of this order is 13.06.2017) in complaint 14/2016-17.

2. The case in brief is that petitioner is aggrieved by the bill for the month of June 2016 (period 04.06.2016 to 22.06.2016) in which he alleges he has been charged extra for 67841 units while the meter on the basis of which he is being billed was running fast compared to the ABT meter also installed in his premises. When he did not receive any relief/support for his genuine grievance from the department, he approached the Forum (CGRF Garhwal) who through their order dated 19.12.2016 directed the Electricity Distribution Division (Rural) Haridwar to change the L&T meter no. 15580965 installed in the premises of the petitioner and send the same to the manufacturing firm for analysis of deficiency in measurement of electricity consumption for the month of June 2016 and submit report to the Forum (CGRF, Garhwal) in 30 days. While this report was not submitted, petitioner again approached Forum (CGRF, Haridwar) with the previous order dated 19.12.2016 of the Forum (CGRF, Garhwal). CGRF, Haridwar, having heard both parties, directed them in their

order dated 13.06.2017 to come to a mutually agreeable solution in a congenial atmosphere and to report to the Forum (CGRF, Haridwar) within 30 days. Petitioner has reported that UPCL took their decision unilaterally and informed the Forum (CGRF, Haridwar) that they will not pay the difference of the units that is 0.54% which is within permissible range (the period of computation used by the UPCL is 4.2.16 to 27.12.16). Petitioner has argued that this is a one sided decision which is not acceptable to them since they have complied with all requirements prescribed by UERC and had installed CT/PT of 0.2 accuracy. Further they have also stated that since the Meter Test Division report has reported a difference of 3.86% in the recording of the 2 meters in month of June 2016, which is above permissible range, UPCL should be directed to refund the difference amount or adjust it in their monthly electricity bill. It may be borne in mind that petitioner has intimated the UPCL about the fast running of the meter on 10.06.2016 and again on 04.07.2016. Petitioner has further elaborated on the shortcomings of the Forum (CGRF, Garhwal) order and stated that while Forum (CGRF, Garhwal) have instructed about meter change but no decision about refund of extra amount has been given, Secondly in the month of June 2016 the difference (between the two meters) was 3.86% but UPCL has made calculations on the basis of 10 months data so the difference is less. Finally, petitioner has also argued that if the electricity meter gives slow readings the UPCL charges as per ABT meter reading but when electricity meter gives fast reading the UPCL does not charge as per ABT meter. On these grounds petitioner has requested that disputed 67841 units be adjusted in their subsequent electricity bills.

3. The CGRF, Garhwal while passing their order dated 19.12.2016 obtained a comparative study of the two meters for the period 04.06.2016 to 22.06.2016 which revealed that variation in recorded consumption ranges from 1.10% to 12.05% and the average for this period comes to 5.52%. The average difference from 01.06.2016 to 30.06.2016 comes to 3.87% whereas in the month of July the difference is only 0.25%. CGRF, Garhwal zone concluded that there must be some deficiency that arose in the main meter in the month of June 2016 which corrected itself in the month of July and therefore such a fault may recur at any point of time. CGRF, Garhwal zone therefore directed that the meter may be changed and the present L&T make meter be sent to the manufacturing firm in order to get an analysis of the deficiency of the meter, the said report along with compliance report may be submitted within 30 days.

While opposite party UPCL had not submitted their compliance report and since in the meanwhile a new Forum had been constituted in Haridwar, petitioner approached the said Forum (CGRF, Haridwar) with his complaint dated 24.03.2017. The L&T meter checking report was finally presented before the Forum (CGRF, Haridwar) on 05.06.2017 and the Forum (CGRF, Haridwar) having heard both parties concluded that since the meter is certified to be ok by the manufacturer, there is no mechanism within the meter which will make it run fast or slow at different times and therefore if the department computes consumption for billing sometimes through L&T make meter and sometimes through ABT Secure make meter, it is the discretion of the department. Accordingly while allowing the complaint, they directed opposite party and petitioner to sit jointly and come to an amicable solution in this matter and also report compliance.

4. The respondent UPCL, in their written statement have conceded that petitioner made a complaint about the difference of 67841 units between the two meters installed at his premises. They have also conceded that the Test division sent their report vide letter dated 29.08.2016 in which the difference in consumption between the two meters was reported but since the report of change of meter and Test was not enclosed, for this reason no adjustment was made in the electricity bill. Respondent have further given the details of meter no L&T 15580965 having been sent to the L&T Limited Mysore and having been reported OK. After this report was made available to the Forum (CGRF, Haridwar), they on 13.06.2017 directed both parties to resolve the issue amicably. The meeting according to the respondent was held on 17.06.2017 in which they found the difference in consumption between the two meters in the period 04.06.2016 to 27.12.2016 to be 0.54% (the dates mentioned in the letter dated 20.06.2017 from the Executive Engineer to the Forum (CGRF, Haridwar) gives the period as 04.02.2016 to 27.12.2016). The respondents have therefore concluded that since the meter is OK and the difference in consumption is within admissible limits no correction in bill is possible.
5. Arguments have been heard and the record available has been carefully perused. It has been observed that the original complaint (129/2016) of the petitioner before the Forum (CGRF, Garhwal) was that 67841 units recorded in excess by his main meter in comparison to ABT meter in the month of June 2016, cost of which he had already paid under protest be adjusted. While the Forum (CGRF, Garhwal) after having

obtained the comparative statement of the consumption recorded by two meters (main meter and ABT meter) during the period 04.06.2016 to 22.06.2016, which revealed excess recording by main meter in the month of June 2016(01.06.2016 to 30.06.2016) by 3.87% had ordered for immediate replacement of the main meter and sending it to the manufacturer for analysis of the deficiency in recording of consumption by the main meter and had desired the report to be put up before it within 30 days.

6. While the meter was replaced on 27.12.2016 and the main meter was sent to the manufacturer and its report was submitted to the respondents vide letter dated 15.05.2017, the same was not submitted to the said Forum (CGRF, Garhwal).
7. Meanwhile a complaint 14/2016-17 was lodged before the Forum (CGRF, Haridwar) who decided the case vide their order dated 13.06.2017. Forum (CGRF, Haridwar) in their order while allowing the complaint, directed parties to resolve the issue amicably by mutual understanding, and ordered for a compliance report within 30 days.
8. The said Forum (CGRF, Haridwar) order dated 13.06.2017 suffers from the infirmity that the complaint has in fact not been allowed, because at the same time, Forum (CGRF, Haridwar) directed the parties to decide/resolve the case themselves. They have also called for the compliance report within 30 days. It is therefore not clear what is the final order of the Forum (CGRF, Haridwar), the compliance of which is required within 30 days
9. In view of above the case is remanded to CGRF, Haridwar for re-examination and passing unambiguous order on merits.

Dated: 24.10.2017

(Vibha Puri Das)
Ombudsman